



DEC 3 1969

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LEGISLATIVE REFERENCE SERVICE

December 1, 1969

To: Honorable Abraham A. Ribicoff
From: American Law Division
Subject: Liability for Damages Incidental to Transportation
of Hazardous Materials.

In response to your request on behalf of a constituent, Joshua Lederberg, for information on the above subject, enclosed herewith is a copy of 31 Am. Jur. 2d, Explosions and Explosives, §§ 86-91, which will inform the constituent as to the present state of the law on carrier civil liability for explosions.

It should be noted that the United States might also be liable for damages in certain instances incurred because of transportation of hazardous materials. For waiver of sovereign immunity, see the Tort Claims Act, particularly 28 U.S.C. § 2674. Of course, it would seem that mere ownership of such materials by the United States would not make it liable for injuries in the absence of fault, regardless of the dangerous nature of the materials. Medlin v. United States, 244 F. Supp. 403, 406 (W.D.S.C. 1965).

For the constituent's further information on the subject of transportation of hazardous materials, also enclosed is a copy

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of recent hearings held thereon by a subcommittee of the House
Committee on Government Operations (September 19, 1969).

A handwritten signature in black ink, reading "Daniel Hill Zafren". The signature is written in a cursive, flowing style with a large, prominent "D" and "Z".

Daniel Hill Zafren
Legislative Attorney
Ext. 8174